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November 7, 1994

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Room 222
Washington, D.C. 20554

Dear Mr. Caton

On behalf of KRIG, Inc., licensee of Station KRIG(FM), Nowata, Oklahoma, there are herewith submitted and original and four (4) copies of its Comments in response to the Commission's Notice of Proposed Rule Making in MM Docket No. 94-100 ; RM-8509 (FM Table of Allotments in Okmulgee, Nowata, and Pawhuska, Oklahoma).

Sincerely


Lawrence N. Cohn

Enclosures

6739.1

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

BEFORE THE

Federal Communications Commission

In the Matter of)	
)	
Amendment of Section 73.202(b))	RM - 8509
Table of Allotments)	
FM Broadcast Stations)	MM Docket No. 94-100
(Okmulgee, Nowata, and Pawhuska,)	
Oklahoma))	
)	

Comments of KRIG, INC.

KRIG, Inc., ("KRIG") licensee of Station KRIG(FM), Nowata, Oklahoma, by its counsel, pursuant to the Commission's Notice of Proposed Rule Making ("NPRM") in MM Docket No. 94-100 (DA 94-8509), released September 15, 1994, hereby submits its comments in the above-referenced proceeding. In further support of its position that the FCC should modify the FM Table of Allotments by changing operating channel of Station KRIG from 232A to 286C3, KRIG states the following.

The NPRM presents three options for consideration. In each option, the allocation for Station KTHK(FM), Okmulgee, Oklahoma, would be changed from Channel 231C2 to Channel 231C1. Under Option 1, KRIG's Channel 232A would be changed to Channel 286C3, while under Option 2 and Option 3, KRIG would be changed to Channel 285A.

Option 1 is the proposal desired by KRIG.^{1/} This proposal would clearly serve the public interest because, as stated in the initial rule making proposal, it would maximize over-all public service. The combined increases in the population served within the KTHK and KRIG proposals if Option 1 were adopted would be 150,843.

As stated in the Technical Summary of the NPRM (Paragraph 3), these changes in KTHK and KRIG can be made at the present site in the case of KTHK and at a proposed site for KRIG (i.e., NL - 36° 46' 13; WL-95° 45' 17) which would eliminate short spacings to existing facilities. However, the NPRM notes that under this proposal there would be a "short spacing [of the proposed new KRIG site] to the reference coordinates for Channel 287C3 at Bixby [Oklahoma]." (emphasis added) In response to this concern regarding the short-spacing to the Bixby reference point, KRIG is

^{1/} KRIG disassociates itself from the proposal in the initial Joint Petition for Rule Making which suggests, as an alternative to Option 1, the change of its channel from 232A to 285A. This proposal was included in the proposed draft of the petition by counsel for KTHK, and was overlooked by KRIG's counsel who was at the time substituting for the licensee's regular counsel at this firm. KRIG would not find a change in its allocation from Channel 232A to Channel 285A to be acceptable, and opposes any such action. KRIG regrets the error in the Joint Petition insofar as it appeared to represent KRIG's approval for Option 2, but notes that the instant clarification of its position has not prejudiced any party.

supplying an Allocation Statement of John R. Furr,^{2/} its consulting engineer, which specifies a different "new" set of reference coordinates for KRIG, namely the following:

Latitude - 36° 49' 59" North
Longitude - 95° 44' 47 West

As explained in the statement of Mr. Furr, the foregoing new proposed site is properly spaced vis-a-vis all current authorizations, eliminates the short-spacing to the to the Bixby reference point, and will allow KRIG to continue to provide city-grade coverage to its city of license (Nowata). On behalf of KRIG, the FCC is hereby advised that the licensee will apply for authority to relocate and construct its transmitter/antenna facility at the foregoing reference point if the operating channel for KRIG is changed to 286C3 as requested herein, and if authorized it will build the new facilities promptly.

KRIG is in receipt of the Comments of Rhema Media dated October 10, 1994. KRIG understands that Rhema is interested in applying for a license to operate an FM station at Pawhuska,

^{2/} Mr. Furr's Allocation Statement incorrectly refers to the petitioner by the name of the station's prior licensee ("KGBH Radio Group") rather "KRIG, Inc.," which the name of the current licensee.

Oklahoma, and therefore (apparently) opposes Option I as set forth in the text of the NPRM. Rhema notes that channel 285A was formerly utilized by Station KMYB in Pawhuska, and requests that the FCC not disturb this allocation.

However, such action is inconsistent with the allocation of Channel 286C3 at Nowata, and therefore KRIG strongly opposes Rhema's position that 285A be retained at Pawhuska. Fortunately, there is a convenient alternative to Rhema's proposal, i.e., the Commission can allocate Channel 280A to Pawhuska (in place of the current Channel 285A). This modification of Option 1 would give both KTHK and KRIG the upgrades they request, while also allowing Rhema to apply for, and if it is awarded a construction permit to build and operate, an FM channel at Pawhuska. This proposal is also technically feasible. Note that Channel 280A has been proposed for Pawhuska under both Option 2 and Option 3.

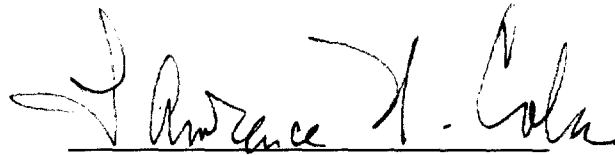
For the foregoing reasons, KRIG requests that the Commission make the proposed modifications in the FM Table of Allotments for Okmulgee, Nowata, and Pawhuska, Oklahoma:

Channel No.

<u>City</u>	<u>Present</u>	<u>Proposed</u>
Okmulgee, OK	231C2	231C1
Nowata, OK	232A, 268A	268A, 286C3
Pawhuska, OK	285A	280A

Respectfully submitted,

KRIG, INC.

A handwritten signature in dark ink, appearing to read "Lawrence N. Cohn", is written over a horizontal line.

Lawrence N. Cohn

COHN and MARKS
1333 New Hampshire Avenue, N.W.
Suite 600
Washington, D.C. 20036

(202) 293-3860

Dated: November 7, 1994

ALLOCATION STATEMENT

This statement is prepared on behalf of KGBH Radio Group ("KRIG") in Nowata, Oklahoma, licensee of KRIG, Channel 232A. This is a petition for Rulemaking which requests an amendment of the Table of FM Channel Allotments, Section 73.202(b) of the FCC Rules. The request is to delete Channel 232A in Nowata and add Channel 286C3. This statement addresses a change in the original statement filed previously.

1. The reference coordinates for this Nowata, OK proposal are:

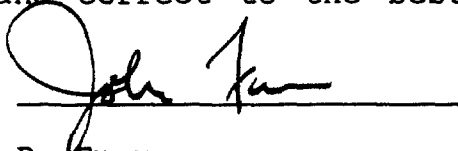
Latitude 36°49'59" North, Longitude 95°44'47" West

2. As can be seen from the attached Exhibit A, Class C3 operation from this site will comply with all separation requirements as set forth in 73.207 of the FCC Rules, except for the Allocation of Channel 286A to Pawhuska, Oklahoma. This short spacing was addressed in the previous filing. The additional study in this allocation statement is regarding the reference coordinates of the allocation to Bixby, Oklahoma.

3. The reference coordinates are located 19 kilometers northwest of the center of Nowata. From this site the entire city of Nowata will be served with the 70 dBu contour as required by 73.315(a) and (b) and shown in Exhibit C.

I, John R. Furr, I am a Communications Consultant, and represent KGBH Radio Group. My qualifications are a matter of record with the Federal Communications Commission, and all statements made herein are true and correct to the best of my knowledge and belief.

October 17, 1994


John R. Furr
2700 NE Loop 410, Suite 325
San Antonio, TX 78217

JF&A
COMMUNICATIONS
CONSULTANTS

AMENDMENT

KRIG
NOWATA, OK
NARRATIVE

10-06-1994

John Furr & Associates Inc.

PAGE 1

FM Study for: KRIG
 Location: NOWATA, OK
 Call City, State
 Status Proponent

FCC Database Date: 8/94
 Channel Class: C3
 Chan Class Freq kW Latitude Dist.
 File Number HAAT Longitude Azm. Clear (km)

>>>>>>> Study For Channel 286 105.1 mHz <<<<<<<<

KRIG NOWATA, OK 286 C3 105.1 36-46-13 7.0 153
 ADD INTEGRATED BROADCASTI RM-8509 0 95-45-17 186.1 -146.0 SHORT
 Use of 73.215 for short spacing requires: 142 -135.0 SHORT
 Site Restricted 13.6 Km (8.4 mi) NW

KRIG NOWATA, OK 285 A 104.9 36-44-35 10.0 89
 ADD INTEGRATED BROADCASTI RM-8509 0 95-45-17 184.3 -79.0 SHORT
 Use of 73.215 for short spacing requires: 72 -62.0 SHORT
 Site Restricted 12.0 Km (7.4 mi) NW

ALLOC PAWUSKA, OK 285 A 104.9 36-44-00 57.9 89
 DEL INTEGRATED BROADCASTI RM-8509 0 96-23-00 259.2 -31.1 SHORT
 Use of 73.215 for short spacing requires: 72 -14.1 SHORT

ALLOC PAWUSKA, OK 285 A 104.9 36-44-00 57.9 89
 VAC Docket-80-329 0 96-23-00 259.2 -31.1 SHORT
 Use of 73.215 for short spacing requires: 72 -14.1 SHORT
 SITE RESTRICTED - EFFECTIVE 11-16-81

KRIG NOWATA, OK 232 A 94.3 3.5 36-44-35 10.02 12
 LIC KBGH RADIO GROUP BLH-930517KA 132 95-45-17 184.3 -1.98 SHORT
 Use of 73.215 for short spacing requires: 12 -2.0 SHORT

KRIG NOWATA, OK 232 A 94.3 36-44-35 10.02 12
 DEL INTEGRATED BROADCASTI RM-8509 0 95-45-17 184.3 -1.98 SHORT
 Use of 73.215 for short spacing requires: 12 -2.0 SHORT
 Site Restricted 12.0 Km (7.4 mi) NW

KOCD COLUMBUS, KS 287 C3 105.3 6.10 37-14-47 99.99 99 73.215
 LIC SATURN COMMUNICATIONS BLH-930201KC 94 94-44-52 62.4 +0.99 CLOSE

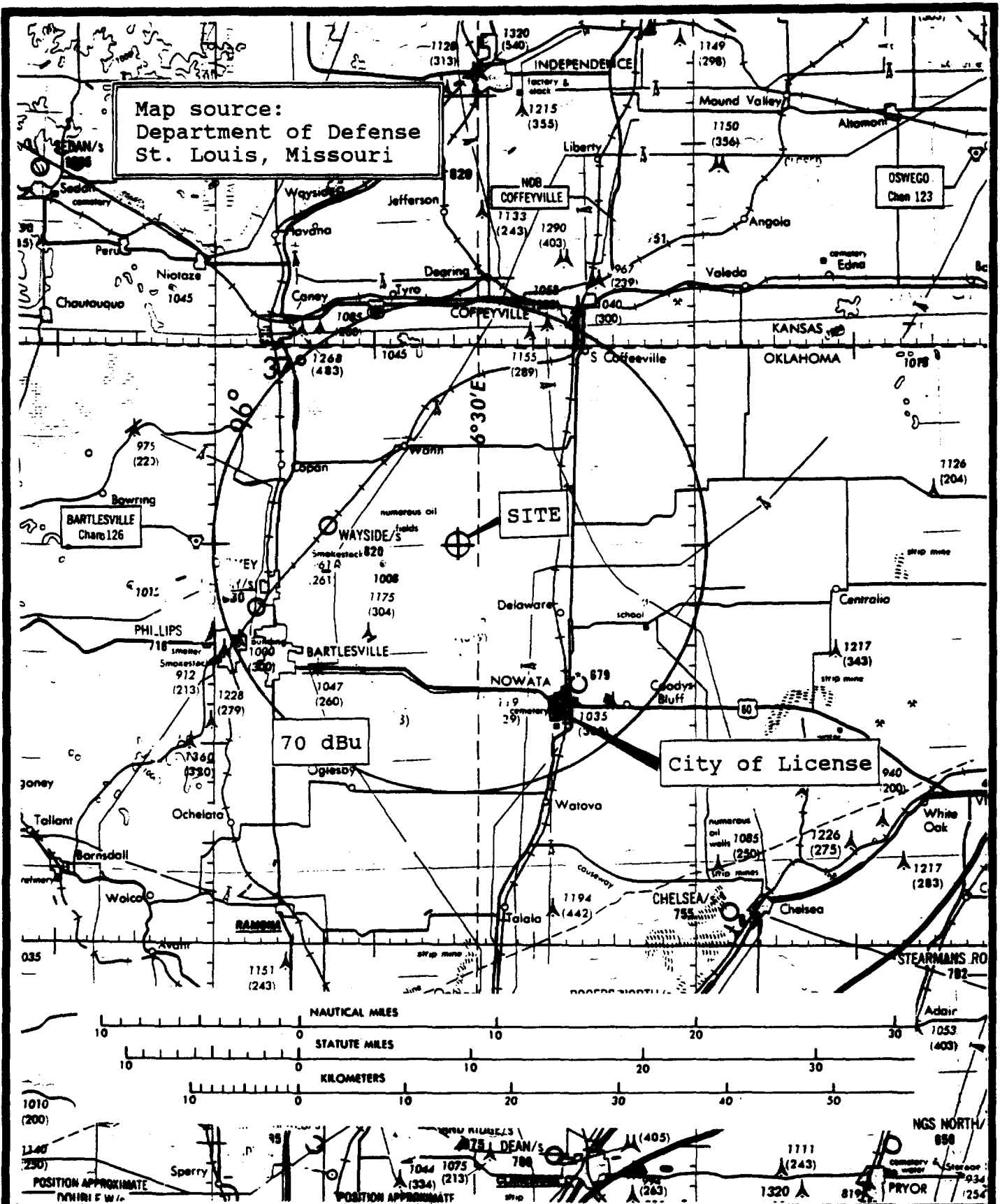
KEXT BIXBY, OK 287 C3 105.3 3.4 35-51-41 107.8 99
 CP SINGER BROADCASTING, BMPH-930819IZ 268 95-46-03 181.0 +8.8 CLOSE

ALLOC BIXBY, OK 287 C3 105.3 35-56-30 99.6 99
 VAC 95-52-48 187.0 +0.6

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KRIG ALLOCATION

KRIG
 NOWATA, OK
 EXHIBIT A



JF&A
COMMUNICATIONS
CONSULTANTS

KRIG CONTOUR

KRIG
NOWATA, OK
EXHIBIT C

CERTIFICATE OF SERVICE

I, Lula Parker, a secretary in the Law Firm of Cohn and Marks, hereby certify that I have, this 7th day of November, 1994, caused to be delivered by First Class U.S. mail, postage pre-paid, or by hand, as indicated, the foregoing "COMMENTS OF KRIG, INC." as follows:

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Lula Parker
Lula Parker